

8 APR 1982

MEMORANDUM FOR: Deputy Director for Administration

FROM:

Director of Information Services

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SUBJECT: Staff Paper on Systematic Classification
Review and Its Future1. Statement of the Problem:

a. Executive Order (E.O.) 12065 has placed a burden upon the Agency in the form of an inefficient systematic classification review program that is of little value to the public. It has resulted in almost negligible document declassification at a considerable expenditure of manpower and money. This led the Agency to join with others in the Intelligence Community to seek major changes in the order. The new order that has been signed, E.O. 12356, allows each agency to conduct an internal systematic classification review program at its option. This raises two issues: (a) the extent and character of the future internal systematic classification review program that should be established in the Agency (if at all), and (b) the future mission and organization of the Classification Review Division (CRD) which has been responsible for the systematic classification review program under E.O. 12065. Recommendations for approval are proposed in paragraph 5.

b. Tab A is a brief history of systematic classification review in the CIA. Tab B is a discussion of the activities that will require our continued efforts regardless of the decision on an internal systematic classification review program. Tab C provides a justification and rationale for structuring a limited systematic classification review program.

2. Background:

a. Executive Order 12065 charges the Agency with the review of its 20-year-old classified material that is assessed to be of permanent value. It was apparent early-on that the burden of this systematic classification review program was intolerable and, with the change of administration, management sought to join with other members of the Intelligence Community to have E.O. 12065 amended or replaced. Through this effort, a new order was drafted that proposed that each agency conduct an internal systematic classification review program at its option. That order, Executive Order 12356, has just been signed and will be effective as of 1 August 1982.

b. Simultaneously with systematic classification review, we have been reviewing the OSS classified records that have been categorized by the Archivist of the United States as permanent. A determined effort by the task force of independent contractors is underway to complete the review of these records by the end of Fiscal Year 1982, which appears probable. Money has not been budgeted for continuing the OSS review beyond that point. Also, in the latter part of 1978, additional security classification review responsibilities were assigned to CRD, its resident expertise having been recognized. The Division assumed the responsibility at that time for the Agency's review of documents proposed by the Department of State for inclusion in its Foreign Relations of the United States (FRUS) series. The Division reviewed and cleared a few volumes then remaining in the 1950 and 1951 series, went on to review and clear the volumes of the 1952-54 series, and has recently begun to work on the first several volumes of the proposed 1955-57 collection. Further, by direction of the Director of Information Services, who serves as the representative of the Directorate of Administration on the Agency's Publications Review Board, CRD began reviewing for that Directorate (with the exception of the Office of Security) the nonofficial publications and oral presentations by employees and former employees. Finally, the Division has taken on miscellaneous security classification reviews such as the review of former-employee publications ex post facto to determine if the authors have violated their agreements by revealing classified information; proposed publications by former high-ranking government officials (e.g., former Secretary of State Kissinger); documents in the possession of other agencies and organizations which contain information concerning intelligence matters (e.g., records retired to the National Archives and Records Service (NARS) by the Departments of State and Defense; Presidential papers held at the Presidential Libraries); and proposed histories and other publications produced by other agencies, their employees, or former employees (primarily the Department of Defense (DoD)).

3. Discussion:

a. There is sound rationale for maintaining a systematic classification review program in the Agency -- although not along the lines promulgated by E.O. 12065 -- and for maintaining a centralized organization such as the Classification Review Division to manage that program. The justification for such a program is provided in Tab C. We need, in any case, to provide for the Agency the capability to undertake a variety of tasks involving security classification review in liaison with other agencies. With systematic classification review being optional under Executive Order 12356, the principal agencies that have been involved in the program, namely, the Department of State, the National Security Agency (NSA), the National Security Council (NSC), the various elements of DoD, and -- of course -- NARS, have all decided to continue the program in some form. Essentially, the purpose is to identify information of high interest that need no longer be withheld to protect national security interests. Their rationale includes: (a) the contribution of such a program to records management ("housecleaning" -- indeed, NSA believes that it will be inundated in short order if it fails to continue the program); (b) the need to release some information to the public in order to ease the burden in the

Freedom of Information Act, Privacy Act, and Mandatory Review programs; and (c) the need to demonstrate a good faith effort in releasing information to the public. The latter reason is most important from a good public relations point of view.

b. The impact of this rationale on the Agency is that the documents that will be reviewed by other agencies contain much information that bears on our equities. This information will surface as the entirety of an Agency-originated document passed to them, as a portion of a document originated by that agency, or as comment upon a matter of joint interest. Indeed the quantity of Agency classified material located with our "customers" elsewhere in the Government is staggering in certain instances (see Tab B). To assume that our equities will be protected by shutting down our own systematic review program and barring our doors would be ostrich-like. To the contrary, the Agency must face the fact that release of information of concern to us will continue regardless of our position. We should, therefore, be positive in our efforts to control the flow of that information in a liaison arrangement whereby the Agency is seen as being cooperative, responsive, practical, and consistent.

c. In the press of classification review, one is constantly burdened with the problem of monitoring the status of all documents in process, while being faced with questions concerning the need to coordinate given documents with another agency -- an unwelcome requirement which imposes additional control problems and inevitable delay. In simple terms, if an agency imposes a difficult coordinating process or is known to be unresponsive, one will choose not to coordinate with that agency unless it is unavoidable. Considering the sensitivity which the Agency places upon even the slightest reference to its activities -- the serious import of which is often not recognized by others -- we will place our concerns in considerable jeopardy if we fail to posture ourselves to be responsive to the needs of other agencies as they continue to pursue their classification review programs.

d. An organization such as CRD, staffed with qualified reviewing officers, can expedite inter-agency and intra-Agency classification review and thus ensure the Agency's responsiveness. It can serve as the focal point for coordination of external requests, and thus make coordination relatively simple and practical. More importantly, CRD would be in the best position, in its focal-point role, to ensure the consistency of release that is so vital in this kind of activity. Already, several agencies, upon learning that CIA is considering the termination of its systematic review program, have expressed the fervent hope that some unit such as CRD will be maintained for the purpose of coordinating their continuing programs. They see, as the alternative, confusion regarding coordination procedures, probably reduced coordination, and total frustration in having to submit essential requests via the less responsive and more cumbersome mandatory review program.

e. Lacking a classification review unit, the Agency probably would have to invent one. If for no other reason, the Agency needs to provide a capability

in the Directorate of Administration for the review of unofficial publications written by present and former employees. The publications volume to be reviewed by each directorate has increased by about 40 percent in each of the last two years and presently figures over 200 per year in the number of items and 20,000 in the number of pages. We believe, however, that there is a larger issue: that the present, decentralized publications review process is not an efficient one. We are therefore on record (DDA 81-1799/1, 18 November 1981) with a recommendation that the effort be consolidated in CRD which would administer the program, efficiently and expeditiously review the simpler drafts, review and coordinate the more complex ones, and report its findings to the Publications Review Board for concurrence. There is a compelling need for consistency in this process, which consolidation of the review activity and the administration (monitoring) of the program would realize, since it would be in the hands of a qualified professional group with considerable experience in the business of classification review. This would ensure the continued application of special and current substantive expertise when necessary through internal coordination.

4. Summary:

a. The demand for efficiency, consistency, and a positive posture argue strongly for the continuation of CRD with application of its expertise to the management of a classification review program in its several forms -- internal systematic review, consolidated publications review, and support to external review programs. As the only component in the Agency with long-term, Agency-wide experience in security classification review, CRD is in the best position to shoulder these responsibilities. While we do not project a workload that would justify a Division with the present T/O (33), one must bear in mind that a professionally balanced cadre of reasonable size must be maintained if the component is to have the proper mix of personnel. There must be sufficient experience, sense of organizational history, and breadth of expertise to comprehend most of the Agency's professional and technical functions in the context of the geographical areas where it has operated over time, and to have the capability to make and coordinate its judgments accordingly. We project a T/O of 18, with the Division consisting of two branches for efficiency of management. In addition to a Division Chief at the GS-15 level, two branch chiefs at the GS-14 level, and a secretary at the GS-07 level, we project a requirement for twelve intelligence officers for classification review at the GS-13 level, one intelligence or information control assistant at the GS-07 level, and one clerk-typist/data transcriber at the GS-05 level:

<u>Program</u>	<u>Intel. Off.- Chief</u>	<u>Intel. Off.- Class.</u>	<u>Secretary</u>	<u>IA</u>	<u>Clerk</u>	<u>TOTAL</u>
Management	3					3
Systematic Review		4				4
Publication Review		2				2
FRUS Review		3				3
External Support		3				3
Admin & Support			1	1	1	3
						<u>18</u>

b. Should the decision be made to consolidate publication review in the DDA/OIS, as has already been proposed, CRD would need an additional five positions. These positions would allow for three additional intelligence officers at the GS-13 level for classification review, one additional intelligence assistant and one additional clerk-typist/data transcriber.

5. Recommendations:

We recommend that:

a. The Agency continue with a systematic classification review program, as outlined in Tab C, that is tailored to review only those permanent records that would be of interest to the general public and could be released within a reasonable period without damage to national security, and that the Classification Review Division be authorized four positions to conduct this program, for a total CRD ceiling of 18 positions.

APPROVED:

Deputy Director for Administration

Date

b. The Classification Review Division be authorized five additional positions, a total of 23, when and if publication review is consolidated in DDA/OIS.

APPROVED:

Deputy Director for Administration

Date

STAT

Attachments:
As stated

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Brief History of
Systematic Classification Review in CIA

1. The Agency was first introduced to systematic classification review by Executive Order (E.O.) 11652, 1 June 1972, which called for the automatic declassification of all national security classified documents over 30 years old unless they were specifically certified by the head of the originating agency or its successor as requiring continued protection. In response, the Directorate of Operations (DO) established a unit of three OSS officers late in 1972 to begin a review of the predecessor organization's records held at the National Archives. E.O. 11905, 19 February 1976, which dealt primarily with U.S. foreign intelligence (FI) activities, promulgated that the Director of Central Intelligence "shall establish a vigorous program to downgrade and declassify FI information as appropriate and consistent with E.O. 11652." The DO increased its effort, but as a result of discussions within the Agency regarding the merits of a centralized versus a decentralized program, the Executive Advisory Group decided on 1 March 1977 that there should be a centralized systematic classification review program under the Information Systems Analysis Staff (ISAS) of the Directorate of Administration. The Records Review Branch, consisting of 40 positions, was established within ISAS for this purpose, and, as the program developed, evolved into the Classification Review Group and the Classification Review Division (CRD) under ISAS' successor, the Office of Information Services. E.O. 12065, which was signed on 28 June 1978, to be effective 1 December 1978, called for the systematic classification review of all permanent records 20 years old or older (except for foreign government information -- 30 years old). It stipulated that the "transition to systematic review at 20 years shall be implemented as rapidly as practicable and shall be completed no more than 10 years from the effective date of this order," i.e., by December 1988. The order established further that subsequent reviews of documents enjoying an extension of classification shall be set at no more than ten-year intervals, with extensions by waiver allowable for specific categories of documents at the discretion of the Director of the Information Security Oversight Office (ISOO). Such extensions were soon established, primarily to 20 years.

2. Gradually, CRD's positions have been nibbled away. It has now a table of organization of 33 in its present structure. The T/O provides for 20 Classification Review Officers at the GS-13 level, supplemented by contract annuitants of long experience, information control assistants, and clericals. Four branches are established within the Division -- one for each directorate -- with a senior, experienced GS-14 officer at the head of each branch. Additionally, 13 independent contractors concentrate on the continuing review of the permanent OSS material.

3. It became apparent almost immediately that a force of this size would be far from enough to meet the transition period target (December 1988) set by the order. A study conducted for the General Accounting Office in January of 1980

found that the Division, at production rates extant at that time, would require 100 additional officers at a budget cost of \$80 million to meet the target. In 1981, with production rates more than doubling without an increase in manpower, it was still apparent that the Division would meet less than 30 percent of its goal. Early in 1982, the problem was restudied, with a better "fix" on the amount of material to be reviewed. Even with production rates having nearly tripled without an increase in manpower, the study projected that the program would accomplish only about a third of its goal. This assumed that the current, higher production rates could be sustained, and the full staffing complement of 33 would be maintained. It was projected that, at those levels, the transition goal could not be reached until the year 2007; otherwise, an effort to meet the December 1988 target would require an infusion of 55 additional reviewing officers at a cost exceeding \$19 million. Then by 1988, with the target still not having been met, and work on the backlog thus continuing, the program would be further burdened by two additional requirements: documents originated in the late sixties would become eligible for their initial review, and the ten-year re-review period would commence for documents initially reviewed in 1978 and forward. By 1998, those documents initially reviewed and marked for a 20-year re-review would be added to the pile, and so on. Yet with all this effort, the January 1980 study indicated that only something on the order of six percent of the material was declassified. The 1982 study found that, in the six months preceding, about 30 percent of the documents were being downgraded, with only two percent being declassified.

Activities Which Require a Classification Review Function
in Liaison with other Government Agencies

1. At this writing, the Department of State and the National Archives and Records Service (NARS) are commencing a review of the Department's 1950-54 holdings for eventual accessioning to NARS, which is expected to occupy 25 NARS personnel and several experienced foreign service officers for the next four years. The Classification Review Division (CRD) of the Office of Information Services will be supplying alternating two-man teams of officers who will participate in the review, initially full-time.
2. The 1955-57 series of the Department of State's Foreign Relations of the United States (FRUS) will comprise an estimated 28,000 pages which the Division will review in its entirety. The Department is also in the process of reviewing information which will be released as a supplement to the FRUS collection. This may amount to some 124,000 pages which the Division will review on a selected basis. The 1958-60 series of FRUS will require a complete review of some 33,000 pages.
3. CRD is coordinating with the Presidential Libraries in the review of material in their possession. The Truman Library, for example, has requested our assistance in the review of approximately 50,000 pages of material concerning national security topics, and the Eisenhower Library holds approximately 138,000 pages of similar material. The Johnson and Kennedy Libraries are still cataloging their holdings, but it can be assured that their collections of documents relating to national security will be even larger and more sensitive. The Carter collection is estimated to hold nearly 1000 cubic feet or approximately 2,000,000 pages of national security paper.
4. Each week the Department of Defense (DoD) submits several documents to the Agency which it has turned up in the course of its continuing systematic classification review program. In addition, the Department's several historical organizations are moving ahead vigorously with their writing of histories, especially in covering the conflict in Southeast Asia. The Army Center for Military History is preparing 23 volumes on Vietnam, of which CRD has so far reviewed three. Contracts have been drawn up with several former Republic of Vietnam generals now in this country to prepare additional volumes written from their points of view. The other services are also busily writing: at this moment CRD is reviewing 600 pages of an Air Force history on interdiction in Laos.

Toward a Limited Customized
Systematic Review Program

1. Records housekeeping; relief to the Freedom of Information Act, Privacy Act, and Mandatory Review programs; and demonstration of a good-faith effort to release information to the public provide the rationale for maintaining a systematic classification review program within the Agency, but on a very modest scale. The problem with the present Executive order is that it guarantees inefficiency in that its arbitrary review periods apply to all materials with little cognizance of their widely varying degrees of sensitivity. A tailored systematic classification review program, on the other hand, can recognize these variances and thus respond to the spirit of the new order by releasing non-sensitive material while protecting the truly sensitive information, and can make more efficient use of resources in the process. It makes little sense to spend man-years in the review and periodic re-review of most DO and DDS&T material that is so sensitive that less than one percent will be declassified for many years to come. Review should concentrate instead on -- for example -- FBIS holdings and certain DDI finished intelligence which offer some relatively early potential for declassification of material that is sought by scholars and researchers, and thus produces some reasonable results for the effort expended.

2. To implement this modest program CRD reviewers would work through the Records Management Division and Directorate RMOs to expand their program by including the categorizing of permanent Agency records according to their releasability and interest to the public. The objective would be, as a part of management planning, to identify collections to which reviewing manpower would be most effectively applied. This activity would focus on the records of the DDI and the DDA with very limited effort expended on DO and DDS&T records since declassifiable information in the latter two is so negligible.

3. There is further rationale for "keeping our hand in" and maintaining some continuity and expertise within CIA in the business of systematic classification review. Should a change of administration result in one that is desirous of returning to a stronger effort to declassify information, we could find ourselves in short order having to gear up from scratch to reinvent the wheel. Also, having a program which provides evidence that we have been maintaining a good-faith position with regard to declassification and release might save us from the worst of a reimposed and intolerable new "12065."